IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 32256 of 2006(M)

PETITIONERS:
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1. K. CHANDRA MOHAN,
   MOHAN VILAS, PATTOOR, THIRUVANANTHAPURAM.

2. K. RAJ MOHAN,
   MOHAN VILAS, PATTOOR, THIRUVANANTHAPURAM.

3. DR. VIJAY K.MOHAN,
   MOHAN VILAS, PATTOOR, THIRUVANANTHAPURAM,
   REPRESENTED BY ITS POWER OF ATTORNEY HOLDER,
   K.RAJ MOHAN OF MOHANVILAS, PATTOOR,
   THIRUVANANTHAPURAM.

BY ADV. SRI.D.KISHORE

RESPONDENTS:
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1. THE CORPORATION OF THIRUVANANTHAPURAM
   REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. THE TOWN PLANNING OFFICER,
   CORPORATION OF THIRUVANANTHAPURAM,
   THIRUVANANTHAPURAM.

3. THE TAHSILDAR, THIRUVANANTHAPURAM.

4. THE VILLAGE OFFICER,
   VANCHIYOOR, THIRUVANANTHAPURAM.

5. THE REVENUE DIVISIONAL OFFICER,
   THIRUVANANTHAPURAM.

6. S. JAYAPRAKASH,
SUMMER LODGE, T.C.27/1610, PATTOOR,
THIRUVANANTHAPURAM.

7. S. PRABHAKARAN,
T.C.27/16214, CHECHI NIVAS, PATTOOR,
VANCHIYOOR P.O., THIRUVANANTHAPURAM.

8. THRIVIKRAMAN,
NEAR SUMMER LODGE, T.C.27/1620,
PATTOOR, THIRUVANANTHAPURAM.

9. PATTOOR RESIDENTS ASSOCIATION,
PATTOOR, THIRUVANANTHAPURAM-695 024,
REPRESENTED BY ITS PRESIDENT.

10. THE COMMISSIONER OF POLICE,
THIRUVANANTHAPURAM.

11. THE SUB INSPECTOR OF POLICE,
VANCHIYOOR, THIRUVANANTHAPURAM.

R1 BY S.C. SRI.NANDAKUMARA MENON
BY ADV. SRI.J.OM PRAKASH FOR R6 TO R9
R3 TO R5, R10 & R11 BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY OF THE PERMIT & APPROVED PLAN DATED 18.10.2006.

EXT.P2: TRUE COPY OF THE PETITION DATED 14.10.2006 SUBMITTED BY THE 9TH RESPONDENT.

EXT.P3: TRUE COPY OF THE STOP MEMO NO.TP/SQ/06 DATED 19.10.2006 OF THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE PLAINT IN O.S.1531/06 OF MUNSIFF COURT, THIRUVANANTHAPURAM.

EXT.P5: TRUE COPY OF THE STOP MEMO DATED 27.10.2006 OF THE 4TH RESPONDENT.

EXT.P6: TRUE COPY OF THE INTIMATION NO.TP/55518/06 DATED 3.11.2006 OF THE 2ND RESPONDENT.

EXT.P7: TRUE COPY OF THE PROCEEDINGS NO.A2-22383/06 DATED 4.11.2006 OF THE 3RD RESPONDENT.

EXT.P8: TRUE COPY OF THE REPORT OF ADVOCATE COMMISSIONER IN OS 1531/06 OF MUNSIFF COURT, TVPM.

EXT.P9: TRUE COPY OF THE ORDER DATED 20.11.2006 IN IA 8779/06 IN OS 1531/06 OF II ADDL.MUNSIFF COURT, TVPM.

EXT.P10: TRUE COPY OF THE REPRESENTATION DATED 1.12.06 SUBMITTED BY THE PETITIONERS BEFORE THE 10TH RESPONDENT.

RESPONDENTS' EXHIBITS:

EXT.R8(1): A TRUE COPY OF THE COMPLAINT DATED 20.10.2006 SUBMITTED BEFORE THE R.D.O. THIRUVANANTHAPURAM.

EXT.R8(2): A TRUE COPY OF THE REPORT OF THE TAHSILDAR, THIRUVANANTHAPURAM DATED 27.10.2006.

EXT.R8(3): A TRUE COPY OF THE LETTER NO.A2-22383/2006 OF THE TAHSILDAR, THIRUVANANTHAPURAM.

EXT.R8(4):A TRUE COPY OF THE APPEAL PETITION DATED 10.11.2006.

EXT.R8(5): TRUE COPY OF CMA 104/2006 DATED 21.12.2006 OF THE DISTRICT COURT, THIRUVANANTHAPURAM.

EXT.R8(6): TRUE COPY OF THE LETTER OF DIST. COLLECTOR ISSUED TO THE RDO, THIRUVANANTHAPURAM DT. 19.12.2006.

EXT.R8(7): TRUE COPY OF LETTER ISSUED TO 9TH RESPONDENT BY THE DISTRICT COLLECTOR DATED 19.12.2006.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.32256 OF 2006

Dated 30th January, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection for implementation of civil court order. Ext.P9 is the civil court order for which petitioners want implementation. Contesting respondents submitted that on the allegation that public property is encroached upon, the District Collector passed an order directing the matter to be kept in abeyance. In any event, we are of the opinion that if the injunction order is violated, it is for the petitioners to approach the very same court itself for the remedies as provided under the Code of Civil Procedure.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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